

CITY OF DURHAM | DURHAM COUNTY NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: June 20, 2016

_	Table A. Sun	nma	ry		
Application Summ	ary				
Case Number	Z1500032	Jur	isdiction	City ((pending annexation)
Applicant	City of Durham	Sul	omittal Date	Septe	ember 14, 2015
Reference Name	T.W./55 Multifamily	Site	e Acreage	26.08	3
Location	5627 NC 55 Highway at the interse	ectio	n with T.W.	Alexande	er Drive
PIN(s)	0737-01-16-9142, -26-4307, -25-4	873			
Request					
Proposed Zoning	Residential Suburban - Multifamil with a development plan (RS-M(D	•	Proposal		0 multifamily tial units
Site Characteristic	s				
Development Tier	Suburban Tier				
Land Use Designation	Medium Density Residential (6-12 DU/Ac.), Industrial, and Recreation and Open Space				
Existing Zoning	Commercial Neighborhood (CN) (9	9.11	ac.) and Res	idential F	Rural (RR) (16.97 ac.)
Existing Use	Undeveloped				
Overlay	F/J-B		Drainage	Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin Northeast Creek		Northeast Creek	
Determination/Re	commendation/Comments				
Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.					
Planning Commission	Approval, 11-2 on April 12, 2016. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.				
DOST	No comments.				
ВРАС	See Attachment 8				

A. Summary

This is a request to change the zoning designation of a 26.08-acre site (three parcels) from CN and RR to RS-M(D) for a 192-300-unit multifamily residential development. The site is

located at 5627 NC 55 Highway on the north side of its intersection with T.W. Alexander Drive (see Attachment 1, Context Map).

This zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Industrial, Medium Density Residential (6-12 DU/Ac.), and Recreation and Open Space. A plan amendment request (case A1500013) has been requested to change 14.08 acres designated as Medium Density Residential (6-12 DU/Ac.) and 3.66 acres of Industrial-designated land to Medium-High Density Residential (8-20 DU/Ac.); the remaining 8.34 acres would remain designated as Recreation and Open Space. This zoning map change request, should the plan amendment be approved, would be consistent with the future land use map and *Comprehensive Plan* and applicable policies and ordinances.

This project is currently in the County's jurisdiction but is associated with an annexation request. Council will consider this zoning map change as part of a consolidated land use item which will include decisions on Annexation, Utility Extension Agreement, and this zoning map change request as an "initial" zoning of newly annexed land where the City is an applicant.

Appendix A provides supporting information.

B. Site History

There have been no recent development applications on this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the RS-M district (Sec. 3.5.6.D, Sec. 6.3.1). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. These commitments (see Table D5,

Summary of Development Plan) include: multi-family housing type, bus shelter, four feet of additional asphalt paving for a bicycle lane along T.W. Alexander Drive, and site entrance roadway improvements.

Graphic Commitments. Graphic commitments include the general location of site access points, tree preservation areas, and building and parking envelope.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify the committed design elements proposed for the site.

Determination. The requested RS-M zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested RS-M zoning district proposes a density between 8.000 and 12.506 DU/Ac. As such, is not consistent with the future land use map of the *Comprehensive Plan* which designates this site as Industrial, Medium Density Residential (6-12 DU/Ac.), and Recreation and Open Space. However, a plan amendment, case A1500013 has been submitted to request the change the Industrial designation and Medium Density Residential (6-12 DU/Ac.) to Medium-High Density Residential (8-20 DU/Ac.). Staff is supporting this request. If the plan amendment is approved this request would be consistent with the future land use map of the Comprehensive Plan and application policies and plan.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6. There are conditions shown as recommendations of the Long Range Bicycle Plan Map 4.6. A proposed bicycle lane is shown along both NC 55 Highway and T.W. Alexander Drive. No additional roadway improvements related to the bicycle lane are required along NC 55 Highway. The applicant has proffered a commitment to provide an additional four feet of additional asphalt for the proposed future bicycle lane along T.W. Alexander Drive. There are two proposed greenways adjacent to the site; one is shown within the rail road right-of-way to the east of the site and the other is shown along Burden Creek north of the site.

F. Site Conditions and Context

Site Conditions. The 26.08-acre site includes three parcels at 5627 NC 55 Highway and 474 and 462 T.W. Alexander Drive; on the north and east side of NC 55 Highway's intersection

with T.W. Alexander Drive. The undeveloped and forested site is bisected by a tributary stream and associated floodway fringe flowing west to Northeast Creek.

Area Characteristics. The site is located in the Suburban Tier, less than a mile from Durham County's southern boundary and approximately ½ mile south of the Suburban Transit Area that includes the intersection of East NC 54 Highway and NC 55 Highway. There is a commercial node at the intersection of these highways and is bordered by floodplain associated with Northeast Creek on the west and the 100-foot railroad right-of-way to the east. This site is isolated from the highway-oriented uses to the north by Burdens Creek and associated floodplain. To the east is an apartment development which extends to Research Triangle Park, less than ¼ mile to the east, which serves as an employment center for the region. The uses along NC 55 Highway and south of T.W. Alexander Drive are developed as industrial or vacant nonresidential.

The site and surrounding area is within the F/J-B Watershed Protection Overlay.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed RS-M district meets the ordinance requirements in relation to development on the subject site. If approved, the development plan would permit multifamily residential development on the site which could produce a similar project as the existing project to the east.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed RS-M district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of traffic, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease traffic by 778 vehicles per day, increase water demand by 20,240 gallons per day, and increase students by 33. The existing infrastructure has available capacity to meet these needs.

Water and Sewer. This site is currently in the County and does not presently have access to the adequate water improvements that would be required of this development. However, a Utility Extension Agreement has been submitted to the City of Durham for these services.

Transportation System Impacts. The proposal is estimated to generate 150 or more peak hour trips. A Traffic Impact Analysis (TIA) was required of this project and mitigation

measures were identified (see Attachments 8 and 9 for City Transportation's and NCDOT's analysis). The development plan includes these recommendations as commitments.

Unresolved Transportation Concern. City Transportation requested the applicant provide a second point of access for development on the north side of the proposed stream crossing or limiting development on the north side of the stream to 90 or fewer units. However, the applicant indicated they are unwilling to proffer either of these conditions. Transportation's comment reads:

Add the following as a text commitment: "Prior to the issuance of a certificate of occupancy for the 91st unit on the north side of the stream crossing illustrated on sheet DV2, Site Access Point #3 shall be extended through the adjacent property to provide a vehicular connection to an existing publicly maintained street such as NC 55." Alternatively, note and illustrate a second stream crossing such that if more than 90 units are proposed on the northern portion of the site, two access points (stream crossings) will be provided to serve this area.

H. Staff Analysis

This request, should the plan amendment be approved, would be consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested RS-M zoning designation were approved, the development plan would permit multifamily residential development between 192 and 300 multifamily residential units; a density between 8.000 and 12.506 DU/Ac.

I. Contacts

	Table I. Contacts	
Staff Contact		
Jacob Wiggins,Planner	Ph: 919-560-4137, ext. 28257	Jacob.Wiggins@DurhamNC.gov
Applicant Contact		
Agent: Anna Bressi, Edens Land Corp	Ph: 919-316-1855	anna.bressi@edensland.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Friends of Durham
- Unity in the Community for Progress
- Favetteville Street Planning Group
- Northeast Creek StreamWatch

K. Summary of Planning Commission Meeting April 12, 2016, (Case Z1500032)

Zoning Map Change Request: Commercial Neighborhood (CN) (9.11 ac.) and Residential Rural (RR) (16.97 ac.) to Residential Suburban - Multifamily with a development plan (RS-M(D)); PINs: 0737-01-16-9142, -26-4307, -25-4837.

Staff Reports: Ms. Wolff presented cases A1500013 and Z1500032.

Public Hearing: Chair Harris opened the public hearing. One citizen spoke in support. No one spoke in opposition. Chair Harris closed the public hearing.

Commission Discussion: The discussion centered on density, transportation, sidewalks, affordable housing and the sewage plant located nearby.

MOTION: Recommend approval of Z1500032. (Brine, Whitley 2nd)

ACTION: Motion carried, 11-2 with Freeman and Winders voting no.

FINDINGS: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

	Table K. Supporting	g Information
Applicability of Su	pporting Information	
Appendix A	Application	Attachments: 1. Context Map 2. Aerial Photography 11. Development Plan 12. Application 13. BPAC Comments 17. Case History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts

	Table K. Supportin	g Information
		Table G3: Utility Impacts
		Table G4: Drainage/Stormwater Impacts
		Table G5: School Impacts
		Table G6: Water Impacts
		Attachments:
		14. COD DOT TIA Memo
		15. NCDOT TIA Memo
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 16. Planning Commissioner's Written Comments 21. Ordinance Form 22. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

- 1. Context Map
- 2. Aerial Photography
- 11. Development Plan
- 12. Application
- 13. BPAC Comments
- 17. Case History

Appendix D: Unified Development Plan Supporting Information

	Table D1. UDO Designation Intent
RS-M	Residential Suburban – Multi-family: the RS-M district is established to provide for suburban residential development and redevelopment with a minimum lot size of 5,000 square feet and a maximum of 18 dwelling units per acre (density greater than 8 DU/Ac. requires the submittal of a development plan). A variety of single- and multifamily housing types are permitted including duplexes, townhomes, and apartments. While RS-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.
D	Development Plan – the letter "D" following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – RS-M				
	Code Provision	Required	Proposed	
Maximum Density (DU/Ac.)	6.3.1.A.1	18	12.506	
Minimum Open Space (%)	6.3.1.A.1	18	18	
Minimum Site Width (feet)	6.3.1.A.1	200	910	
Maximum Height (feet)	6.3.1.A.7	35	50*	

^{*}Any building greater than 35 feet in height, up to 50 feet, requires an additional one foot of setback per one foot of additional building height.

	Table D3. Enviro	nmental Protection	
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	20% (5.22acres)	20% (5.22 acres)
Riparian Buffer (feet)*	8.5.4.B	100	100

	Table D4. F	Project Boundary Buffer	s
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
	CN(D)	0.2/0.6	0.2 (10 feet)
North	OI(D)	0.2/0.6	0.6 (22.5 feet, width if reduced)
	RR	0.6/0.8	0.6 (22.5 feet, width if reduced)
East	RS-M(D)	n/a (right-of-way greater than 60 feet)	N/A
Courth	OI(D) n/a (right-of-wa		NI/A
South	CG(D)	greater than 60 feet)	N/A
West	CN	n/a (right-of-way greater than 60 feet)	N/A

	Table D5. Summary of Development Plan	
Components	Description	Plan Sheet
	Intensity/Density. 8.000-12.506 DU/Ac., 192-300 units	Cover, DV2
	Building/Parking Envelope has been appropriately identified.	DV2
	Project Boundary Buffers have been shown.	DV2
	Stream Crossing. One shown	DV2
Required	Access Points. Three (3) site access points have been identified.	DV2
Information	Dedications and Reservations. None.	N/A
	Impervious Area. 70% (18.26 acres)	DV2
	Environmental Features. Stream, floodway fringe, and wetlands.	DV1, DV2
	Areas for Preservation. See tree coverage.	DV2
	Tree Coverage. 20% (5.22 acres)	DV2
	Location of three site access points	
Graphic Commitments	2. Location of tree preservation areas	DV2
Communicates	3. Building and parking envelopes	
	1. The proposed development will be limited to multi-family	
	residential and accessory uses.	
	Prior to the issuance of a certificate of occupancy	
	2. Subject to determination by GoDurham and GoTriangle on	
	the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete	
Text	pad/bus shelter to GoDurham/GoTrinagle specifications	
Commitments	along T.W. Alexander Drive or NC 55 (as determined by the	Cover
	transit agency) adjacent to the site.	
	3. A minimum four feet of additional asphalt (in addition to	
	the proposed roadway improvements) will be provided for	
	the full frontage of the site along the north side of T.W.	
	Alexander Drive. The additional asphalt widening will be provided to allow for a future bicycle lane.	
	provided to dilow for a rature bicycle faric.	

	Table D5. Summary of Development Plan	
	Prior to the issuance of any certificate of occupancy	
	 Construct an exclusive eastbound left-turn lane with adequate storage and appropriate tapers on T.W. Alexander Drive at site access point #1. 	
	Construct an exclusive northbound right-turn lane with adequate storage and appropriate tapers on NC 55 at site access point #2.	
SIA Commitments	None Provided	N/A
Design Commitments	Architectural Style: none proposed Rooflines: sloped Building Materials: two or more of the following: brick, block, stone, EIFS, wood, vinyl, metal, or fiber cement/cementitious cladding	Cover
(summary)	Architectural Features: front facing gables at entrance side Context: incorporate site design techniques that protect and preserve natural features of the tract.	

Appendix E: Adopted Plans Supporting Information

	Table E. Adopted Plans
Comprehensiv	ve Plan
Policy	Requirement
	Industrial : Land uses include, but are not limited to, manufacturing, processing, warehousing and distribution, resource extraction, research and development, flex space and service uses.
Future Land	Medium Density Residential (6-12 DU/Ac.): Land primarily used for a range of residential uses between six and twelve dwelling units per acre.
Use Map	Recreation and Open Space: Identify and protect identified areas. [Note: the property within this request has not been specifically identified].
	Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.1.3d	Residential Defined. Primarily land designated for a range of residential densities and uses.
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.

Infrastructure Capacity. Consider the impacts to the existing capacities of the
transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
8.1.2j Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of t adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
B.1.4c and d Bicycle Component of the most recent adopted Long Range Transportation Plan and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
11.1.1a School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
Adequate Schools Facilities: Recommend denial of all Zoning map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
Long Range Bicycle Plan

Map 4-6 shows the following proposed conditions: proposed bicycle lanes along NC 55 Highway and T.W. Alexander Drive and proposed green ways adjacent to the site on the east in the railroad right-of-way and north of the site along Burdens Creek.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context					
	Existing Uses	Zoning Districts	Overlays		
North	Undeveloped, condominiums	CN(D), OI(D), RR	F/J-B		
East	Multi-family residential	RS-M(D)	F/J-B		
South	Undeveloped	CG(D), OI(D), RS-M(D)	F/J-B		
West	Wastewater treatment plant	CN, RR	F/J-B		

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Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts NC 55 Highway and T.W. Alexander Drive are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area. T.W. Alexander **Affected Segments** NC 55 Highway **Drive Current Roadway Capacity (LOS D) (AADT)** 12,700 37,800 Latest Traffic Volume (AADT) 15,000 4,600 Traffic Generated by Present Designation (average 24 hour)* 2,720 Traffic Generated by Proposed Designation (average 24) 1,942 hour)**

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

NC 55: 5-lane undivided class I arterial

Impact of Proposed Designation

T.W. Alexander Drive: 2-lane city/county class I arterial roadway without left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

Attachments:

- 14. COD DOT TIA Memo
- 15. NCDOT TIA Memo

Table G2. Transit Impacts

Transit service is currently provided adjacent to the site along NC 55 and T.W. Alexander Drive via GoDurham Routes 12 and 14.

Table G3. Utility Impacts

This site under consideration for City water and sewer services; pending annexation case # BDG1500015.

Table G4. Drainage/Stormwater Impacts

The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

^{*}Assumption- (Max Use of Existing Zoning) – CN: 5,000 SF fast-food restaurant with drive-up window; RR: 20 single-family lots

^{**}Assumption- (Max Use of Existing Zoning) – RS-M (D): 300 apartments

Table G5. School Impacts

The proposed zoning is estimated to generate 64 students if developed at the maximum residential capacity. This represents an increase of 33 students over the existing zoning. Durham Public Schools serving the site are Parkwood Elementary School, Lowes Grove Middle School, and Hillside High School.

Students	Elementary School	Middle School	High School
Current Building Capacity	16,348	7,790	10,333
Maximum Building Capacity (110% of Building Capacity)	17,983	8,569	11,366
20 th Day Attendance (2015-16 School Year)	15,939	7,046	10,375
Committed to Date (January 2013 – December 2015)	423	169	168
Available Capacity	1,621	1,354	823
Potential Students Generated – Current Zoning*	14	7	10
Potential Students Generated – Proposed Zoning**	37	14	13
Impact of Proposed Zoning	+23	+7	+3

^{*}Assumption- (Max Use of Existing Zoning) - CN: 72 single-family units; RR: 20 single-family units

^{**}Assumption- (Max Use of Existing Zoning) – RS-M (D): 300 apartments

Table G6. Water Supply Impacts				
This site is estimated to generate a total of 34,500 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 20,240 GPD over the existing zoning district.				
Current Water Supply Capacity	37.00 MGD			
Present Usage	23.03 MGD			
Approved Zoning Map Changes (January 2013 – December 2015)	0.83 MGD			
Available Capacity	13.14 MGD			
Estimated Water Demand Under Present Zoning*	14,260 GPD			
Potential Water Demand Under Proposed Zoning**	34,500 GPD			
Potential Impact of Zoning Map Change	+20,240			

Notes: MGD = Million gallons per day

^{*}Assumption- (Max Use of Existing Zoning) - CN: 72 single-family units; RR: 20 single-family units

^{**}Assumption- (Max Use of Existing Zoning) - RS-M (D): 300 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

- 16. Planning Commissioner's Written Comments
- 21. Ordinance Form
- 22. Consistency Statement